



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AF/IFW

In re Patent Application of:  
David W. Roth

Application No.: 09/372,416 /

Group Art Unit: 2178

Filed: August 11, 1999

Examiner: Huynh, Thu V.

For: System and method for real-time bidding for  
Internet advertising space

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR §§1.56, 1.97 and 1.98, the attention of the U.S. Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08 forms.

On October 18, 2011, a final Office Action was issued in this application rejecting all of the pending claims. This Information Disclosure Statement is being filed after the mailing date of a final action under 37 C.F.R. § 1.113 and is presently not in compliance with 37 C.F.R. § 1.97. However, all of the outstanding rejections of the final Office Action have been resolved since the mailing of the final Office Action. Applicant is submitting, concurrent with this submission, a request for reconsideration of the rejections in the final Office Action. In the event the final Office Action is withdrawn and prosecution of this application is reopened, the present Information Disclosure Statement would at that time be in compliance of § 1.97. The Examiner is respectfully requested to consider at that time this Information Disclosure Statement, and the references listed herein be made of record in this application and appear among the "References Cited" on any patent to issue therefrom.

The fee pursuant to 37 C.F.R. § 1.17(p) is being submitted herewith.

01/19/2012 MBLANCO 00000023 09372416  
01 FC:1806 180.00 OP

Whether or not the information and references disclosed in this Information Disclosure Statement is "material" pursuant to 37 CFR §1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art".

In accordance with 37 CFR §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists.

Applicant respectfully would like to draw the attention of the Examiner to the following related applications for claimed inventions of similar subject matter and disclosures corresponding to the disclosure of this application. These applications claim priority to Application No. 08/787,979 (the parent of this application) and include the following: 10/655,549, 11/675,429, 09/216,206, 09/927,981, 11/933,122, 11/926,939, and 11/933,080. The Examiner is respectfully requested to consider the prosecution history of the aforementioned applications as available through the Office's Image File Wrapper system, and to determine as necessary its relevance to the present application.

Dated: January 15, 2012

Respectfully submitted,  
BEH Investments LLC (Assignee)\*

Signature: Benzion Wachsman  
Name: Benzion A. Wachsman  
Title: General Manager  
Tel.: (718) 928-2213  
Fax: (718) 504-9671

\* A statement under 37 C.F.R. § 3.73(b) is included herewith



PTO/SB/08b (07-09)

Approved for use through 07/31/2012. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**Complete if Known****INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

Application Number	09/372,416
Filing Date	August 11, 1999
First Named Inventor	David W. Roth
Art Unit	2178
Examiner Name	Huynh, Thu V.
Attorney Docket Number	

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
/TH/	A	Communication from European Patent Office, 02-11-05, 1 p.	
	B	Communication to European Patent Office, 05-03-05, 6 pp.	
	C	Communication to European Patent Office, 02-23-07, 10 pp.	
	D	Communication from European Patent Office, 11-24-08, 5 pp.	
	E	Communication to European Patent Office, 02-19-09, 19 pp.	
	F	Communication from European Patent Office, 03-23-09, 2 pp.	
	G	Communication to Canadian Patent Office, 09-05-03, 23 pp.	
	H	Communication to Canadian Patent Office, 10-18-05, 6 pp.	
	I	Communication from Canadian Patent Office, 05-13-09, 8 pp.	
/TH/	J	Communication to Canadian Patent Office, 11-29-10, 23 pp.	

Examiner  
Signature

/Thu Huynh/

Date  
Considered

02/23/2012

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Sheet 2 of 2	Application Number	09/372,416
	Filing Date	August 11, 1999
	First Named Inventor	David W. Roth
	Art Unit	2178
	Examiner Name	Huynh, Thu V.
Attorney Docket Number		

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
/TH/	K	Proposed communication (translation) to Japan Patent Office 08-28-06, 15 pp.	

Examiner Signature	/Thu Huynh/	Date Considered	02/23/2012
--------------------	-------------	-----------------	------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
David W. Roth

Application No.: 09/372,416

Group Art Unit: 2178

Filed: August 11, 1999

Examiner: T. V. Huynh

For: System and method for real-time bidding for  
Internet advertising space

**STATEMENT UNDER 37 CFR § 3.73(b)**

BEH Investments LLC, a Delaware limited liability corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above, by virtue of a chain of title from the inventor of the patent application identified above, to the current assignee as shown below:

1. From: David W. Roth; Dylan F. Salisbury To: Orst, Inc.  
The document was recorded in the United State Patent and Trademark Office at Real 008368, Frame 0113.
2. From: Orst, Inc. To: Flycast Communications Corp.  
The document was recorded in the United State Patent and Trademark Office at Real 009836, Frame 0118.
3. From: Flycast Communications Corp. (a California Corporation)  
To: Flycast Communications Corp. (a Delaware Corporation)  
The document was recorded in the United State Patent and Trademark Office at Real 017811, Frame 0238.
4. From: Orst, Inc. To: Engage, Inc.  
The document was recorded in the United State Patent and Trademark Office at Real 011903, Frame 0079.
5. From: Jonathan Dorfman To: Flycast Communications Corp.  
The document was recorded in the United State Patent and Trademark Office at Real 010167, Frame 0961.
6. From: Flycast Communications Corp. To: Engage Technologies  
The document was recorded in the United State Patent and Trademark Office at Real 012077, Frame 0149.
7. From: Engage Technologies To: Engage, Inc.

The document was recorded in the United State Patent and Trademark Office at  
Real 012592, Frame 0308.

8. From: Engage, Inc. To: BEH Investments LLC

The document was recorded in the United State Patent and Trademark Office at  
Real 013936, Frame 0257.

9. From: Craig R. Jalbert, Liquidating Supervisor of Engage, Inc.

To: BEH Investments LLC

The document was recorded in the United State Patent and Trademark Office at  
Real 018535, Frame 0073.

The undersigned is duly authorized to act on behalf of Assignee.

Dated: January 15, 2012

Respectfully submitted,

Signature: /Benzion A. Wachsman/

Benzion A. Wachsman

General Manager

BEH Investments LLC

Tel.: (718) 928-2213

Fax: (718) 504-9671